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I'm certain this
will be raised on
March 6th*

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL :
DETERMINATION OF ALL THE :
RIGHTS TO THE USE OF WATER, : PETITION OF UINTAH BASIN
BOTH SURFACE AND UNDERGROUND, : IRRIGATION COMPANY RELAT-
WITHIN THE DRAINAGE AREA OF : ING TO DISTRIBUTION OF
THE UINTAH BASIN. : WATER DURING 1973
:

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Petitioner, Uintah Basin Irrigation Company respectfully requests that the Court, after a hearing of this matter, order the State Engineer and the River Commissioner to distribute to Uintah Basin Irrigation Company in accordance with Petitioner's water rights 165 second feet of water from April 1 to October 31 of 1973 and every year thereafter until the final Order of determination is entered. This Petition is based upon the following:

(1) Petitioner is the owner of Applications to Appropriate Nos. 3306 and 3848a, which represent a total flow of 165 c.f.s.

(2) Application No. 3306 was filed with the State Engineer on June 16, 1910 and has that date for priority. Said application was approved June 12, 1912.

(3) Application No. 3848a was filed with the State Engineer on March 10, 1911 and has that date for priority. Said application was approved January 31, 1957.

(4) Since approval of said applications, Petitioner has made a gradual and progressive development of the water

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until it has fully appropriated and beneficially used 165 c.f.s. from April 1 to October 31 each year.

(5) In 1962, pursuant to Section 73-3-16, Utah Code Annotated, 1953, Petitioner elected to file a statement of water users claim with respect to the two applications in lieu of proof of appropriation. The effect of these elections is to certify to the State Engineer that the Petitioner has constructed all of the necessary works, diverted the water, and placed it to beneficial use.

(6) A representative of the State Engineer's office has field-checked the use and extent to which the Petitioner has placed the water and has preliminarily concluded that the Petitioner has beneficially used 165 c.f.s. for a period from April 1 to October 31 each year. (See tentative priority schedule of Duchesne River).

(7) In the past, the River Commissioner has limited approved - but uncertificated applications to three acre-feet per acre when the River is placed on a duty schedule. Once a water right was certificated, the owner was delivered the flow which was provided for in the certificate if there was no acre-foot limitation provided in the certificate itself.

(8) The filing of an election in 1962 by the Petitioner was the equivalent of receiving a certificate of appropriation.

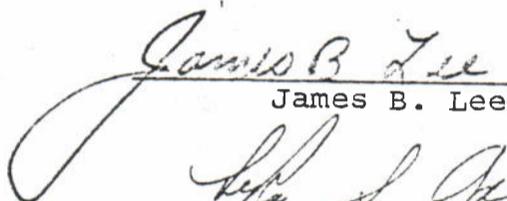
(9) Petitioner has beneficially used the amount of water set forth in the applications and such beneficial use is the basis, the measure and the limit of Petitioner's rights to the use of said water described in applications Nos. 3306 and 3848a. See Section 73-1-3, U.C.A. 1953.

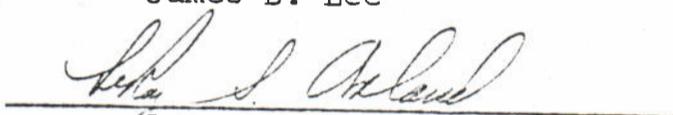
(10) Petitioner is entitled to have its water delivered prior to appropriators who have priority dates after

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Petitioner's dates of June 16, 1910 and June 12, 1912. See Section 73-3-21, U.C.A. 1953.

WHEREFORE, Petitioner requests that the Court, at the earliest practicable date, set this Petition for hearing and that it be determined, as a result of evidence presented at the hearing, that Petitioner is entitled to distribution of 165 c.f.s. from April 1 to October 31 of 1973 and each year thereafter and that an Order to the State Engineer and River Commissioner be entered directing distribution of said 165 c.f.s. to Petitioner.


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CERTIFICATE OF MAILING

This is to certify that a copy of the foregoing Petition was mailed this 16th day of January, 1973 by depositing the same in the United States mail, postage prepaid, to:

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